# EXHIBIT 3

### Case 3:19-cv-02561-WHO Document 107-13 Filed 09/11/20 Page 2 of 9

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11	, c	S DISTRICT COURT
12		RICT OF CALIFORNIA
13	WARREN GARDNER, et al.,	Case No.: 3:19-cv-02561-WHO
14	Plaintiffs,	PLAINTIFFS' FIRST SET OF REQUESTS
15	V.	FOR ADMISSION
16	STARKIST CO., a Delaware Corporation,	
17	,	
18	Defendant.	
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PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION

Plaintiffs WARREN GARDNER, LORI MYERS, ANGELA COSGROVE, AUTUMN HESSONG, ROBERT MCQUADE, COLLEEN MCQUADE, JAMES BORRUSO, FIDEL JAMELO, JOCELYN JAMELO, **ANTHONY** LUCIANO, **LORI** LUCIANO, ROBERT NUGENT, AVRAHAM ISAC ZELIG, KEN PETROVCIK, MEGAN KIIHNE, **KATHLEEN** MILLER, **TARA** TROJANO, JASON PETRIN, AMY TAYLOR, HEATHER MEYERS, AND RACHEL PEDRAZA

RESPONDING PARTY: Defendant STARKIST CO.

SET NO.: ONE (1)

PROPOUNDING PARTY:

Pursuant to Federal Rules of Civil Procedure Rule 36, Plaintiffs Warren Gardner, Lori Myers, Angela Cosgrove, Autumn Hessong, Robert McQuade, Colleen McQuade, James Borruso, Fidel Jamelo, Jocelyn Jamelo, Anthony Luciano, Lori Luciano, Robert Nugent, Avraham Isac Zelig, Ken Petrovcik, Megan Kiihne, Kathleen Miller, Tara Trojano, Jason Petrin, Amy Taylor, Heather Meyers, and Rachel Pedraza hereby propound the following requests for admission to Defendant StarKist Co., each of which is to be answered fully and separately, in writing, within 30 days of service of these requests for admission.

#### **DEFINITIONS**

- 1. "And" and "or" are to be considered conjunctively and disjunctively. The singular form of a noun or pronoun includes the plural form and vice versa. "Or" is understood to include and encompass "and".
- 2. "Any" is understood to encompass "all". The word "all" also includes "each" and vice versa.

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- 3. "DPCIA" means the Dolphin Protection Consumer Information Act of 1990.
- 4. "EII Dolphin Safe Logo" means the logo shown at paragraph 20 of the SAC.
- 5. "FADs" means fish aggregating devices, or floating objects that are designed and strategically placed to attract pelagic fish.
- 6. "Label(s)," or "Labeling" means the Products' packages and containers, any material displayed on the packages and containers, and any other promotion or promotional campaign materials that are displayed on, or come with, the Products.
- 7. "Longlines" means the method of fishing whereby many smaller branch lines with baited hooks are attached to a miles-long main line.
- 8. "Product(s)" means all StarKist cans, pouches, or other packaged shelf-stable tuna distributed for retail sale in the United States.
  - 9. "Relevant Time Period" means from May 13, 2015 to present.
- 10. "Retailer(s)" means any and all business locations (whether physical or online) in the United States in which any of the Products were sold to consumers or end-users, including, but not limited to, Amazon.com.
  - 11. "SAC" means the Second Amended Class Action Complaint (D.E. 75).
- 12. "StarKist," "You," "Your," or "Manufacturer" means StarKist Co., its past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control including, without limitation, Dongwon Industries Co. Ltd.
- 13. "Sustainable" means responsibly sourced through socially and environmentally responsible methods that respect the ocean and protect marine life.
  - 14. "Traditional FADs" means FADs that are not non-entangling FADs.

#### **INSTRUCTIONS**

Unless otherwise stated, each Definition and Request herein is limited to the Relevant Time Period. In accordance with Federal Rule of Civil Procedure 36(a)(4), for each Request, if

1	your answer is anything but an unqualified admission, "the answer must specifically deny it or
2	state in detail why [you] cannot truthfully admit or deny it. A denial must fairly respond to the
3	substance of the matter; and when good faith requires that [you] qualify an answer or deny only
4	a part of a matter, the answer must specify the part admitted and qualify or deny the rest. [You]
5	may assert lack of knowledge or information as a reason for failing to admit or deny only if [you
6	state] that [you have] made reasonable inquiry and that the information [you] know or can readily
7	obtain is insufficient to enable [you] to admit or deny."
8	DEOLIECTS FOR ADMISSION
9	REQUESTS FOR ADMISSION
10	REQUEST FOR ADMISSION NO. 1: Admit that all the Products sold in the United States
11	were continuously labeled with the EII Dolphin Safe Logo.
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13	REQUEST FOR ADMISSION NO. 2: Admit that dolphins are harmed or killed in sourcing
14	tuna for Your Products.
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16	REQUEST FOR ADMISSION NO. 3: Admit that You do not know how many dolphins are
17	harmed or killed in sourcing tuna for Your Products.
18	REQUEST FOR ADMISSION NO. 4: Admit that You have no information that consumers
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20	of Your Products do not believe that "Dolphin Safe" as used by You means that You do not use
21	fishing methods known to kill and harm dolphins.
22	REQUEST FOR ADMISSION NO. 5: Admit that Longlines were used to capture some of
23	the tuna in Your Products.
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25	REQUEST FOR ADMISSION NO. 6: Admit that some of the tuna in Your Products is
26	supplied by purse seine fishing vessels using Traditional FADs.
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1	REQUEST FOR ADMISSION NO. 7: Admit that Longlines and purse seine fishing vessels
2	using Traditional FADs capture at least 80% of the tuna in your Products.
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4	REQUEST FOR ADMISSION NO. 8: Admit that You have studied whether "Dolphin
5	Safe" would be important to consumers of Your Products.
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7	REQUEST FOR ADMISSION NO. 9: Admit that You have studied whether "Dolphin
8	Safe" would be important to Retailers of Your Products.
9	DEOLIEST FOR ADMISSION NO. 10: A dmit that "Dalphin Safa" is an important factor for
10	REQUEST FOR ADMISSION NO. 10: Admit that "Dolphin Safe" is an important factor for consumers of Your Products.
11	consumers of four Froducts.
12	REQUEST FOR ADMISSION NO. 11: Admit that "Dolphin Safe" is an important factor for
13	Retailers of Your Products.
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15	REQUEST FOR ADMISSION NO. 12: Admit that You have studied whether the use of
16	Sustainable fishing practices in capturing the tuna in Your Products is important to consumers of
17	Your Products.
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19	REQUEST FOR ADMISSION NO. 13: Admit that You have studied whether the use of
20	Sustainable fishing practices in capturing the tuna in Your Products is important to Retailers of
21	Your Products.
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23	REQUEST FOR ADMISSION NO. 14: Admit that the use of Sustainable fishing practices
24	in capturing the tuna in Your Products is important to consumers of Your Products.
25	REQUEST FOR ADMISSION NO. 15: Admit that the use of Sustainable fishing practices
26	in capturing the tuna in Your Products is important to Retailers of Your Products.
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1	REQUEST FOR ADMISSION NO. 16: Admit that FADs, regardless of design, attract
2	dolphins.
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4	REQUEST FOR ADMISSION NO. 17: Admit that the price You charge for Your Products
5	includes at least some of the costs to You of obtaining and maintaining authorization to use the
6	EII Dolphin Safe logo on Your Products.
7 8 9	REQUEST FOR ADMISSION NO. 18: Admit that the price You charge for Your Products includes at least some of the cost to You of complying with the DPCIA.
10 11 12	REQUEST FOR ADMISSION NO. 19: Admit that the FADs used to capture the tuna in Your Products indiscriminately capture or harm dolphins.
13 14 15	REQUEST FOR ADMISSION NO. 20: Admit that the Longlines used to capture the tuna in Your Products indiscriminately capture or harm dolphins.
16 17 18 19 20 21 22 23 24 25 26	Dated: August 13, 2020  BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C.  /s/Patricia N. Syverson Patricia N. Syverson (203111) 600 W. Broadway, Suite 900 San Diego, California 92101 psyverson@bffb.com Telephone: (619) 798-4593  BONNETT, FAIRBOURN, FRIEDMAN & BALINT, P.C. Elaine A. Ryan (Pro Hac Vice) Carrie A. Laliberte (Pro Hac Vice) 2325 E. Camelback Rd., Suite 300 Phoenix, AZ 85016 eryan@bffb.com claliberte@bffb.com Telephone: (602) 274-1100  GOLDMAN SCARLATO & PENNY P.C.
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## Case 3:19-cv-02561-WHO Document 107-13 Filed 09/11/20 Page 8 of 9

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1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that on August 13, 2020, I served PLAINTIFFS' FIRST SET OF
4	REQUESTS FOR ADMISSION by email and first class mail to:
5	DAY A CONTINUE AND CONTINUE OF CALL MAD DETERMAND A
6	PILLSBURY WINTHROP SHAW PITTMAN LLP ROXANE A. POLIDORA
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8	lee.brand@pillsburylaw.com
9	Four Embarcadero Center, 22nd Floor San Francisco, CA 94111-5998
10	Attorneys for Defendant
11	STARKIST CO.
12	I declare under the penalty of perjury that the foregoing is true and correct. Executed
13	August 13, 2020 at San Diego, California.
14	
15	/s/ Patricia N. Syverson
16	Patricia N. Syverson  Attorney for Plaintiffs
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